

PETITION FOR ZONING VARIANCE #430
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1404.3.B.3 to permit side setbacks of 32 feet and 3 feet in lieu of the required 50 feet in an R.C. S. Zone and to permit a 2nd living quarters (kitchen) for a temporary period of time.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Lot was subdivided prior to existing zoning and, therefore, is only 100 feet wide. Addition is to be used for additional living quarters including bedrooms, dining room and living room with existing structure to be used as a family room. Unless variances are granted, it will be impossible to construct the proposed addition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of July, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of July, 1987, at 9:45 a.m.

ESTIMATED LENGTH OF HEARING - 1/2 HR.
NEXT DATE FOR HEARING - MON/TUES/WED - NEXT TWO MONTHS
ALL OTHER DATE 4/16/87
REVIEWED BY DATE

NILES, BARTON & WILMER

ATTORNEYS AT LAW
325 N. HOWARD STREET
BALTIMORE, MARYLAND 21201-4899
301-938-3240

October 8, 1987

Re: Petition for Zoning Variance
Charles L. Wiley, et ux, Petitioners
Eugene Salvo, Protestant
Case No. 88-17-A

Dear Mr. Clerk:

Please note the enclosed Entry of Appearance of the undersigned as additional counsel on behalf of Eugene Salvo in the above-captioned matter.

Thank you.

Very truly yours,
John L. Wood

JLW:cm
Enclosure
CC: Manley F. Gately, Esquire
Ms. Phyllis Cole Friedman, Attorney

ZONING DESCRIPTION

Beginning on the North side of Holly Beach Road, 40 feet wide, at the distance of 800 feet East of the centerline of Henrietta Avenue. Being lots 27 and 28 in the subdivision of Holly Beach. Book W, P.C. No. 4, Folio 182. Also known as 2630 Holly Beach Road in the 15th election district.

Case No. 88-17-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 18th day of July, 1987.

Petitioner: Charles L. Wiley, et ux
Petitioner's Attorney: Manley F. Gately, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Property of: Charles L. and Sophia F. Wiley
2630 Holly Beach Road
Baltimore, MD 21221

OFFICE COPY

IN THE MATTER OF THE APPLICATION OF CHARLES L. WILEY, ET UX FOR ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTH SIDE OF HOLLY BEACH ROAD, 800' EAST OF THE CENTER LINE OF HENRIETTA AVENUE (2630 HOLLY BEACH ROAD) 15th ELECTION DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-17-A

ORDER OF DISMISSAL

This case comes before the Board on appeal from a decision of the Zoning Commissioner granting variances subject to restrictions on property located on the north side of Holly Beach Road, 800' east of the center line of Henrietta Avenue (2630 Holly Beach Road), in the 15th Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed October 21, 1987 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Appellants in the above-entitled matter; and

WHEREAS, the said attorney for said Appellants requests that the appeal filed on behalf of said Appellants be withdrawn as of October 21, 1987.

IT IS HEREBY ORDERED this 10th day of November, 1987, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
Patricia Phipps
Harry E. Buchmeister, Jr.

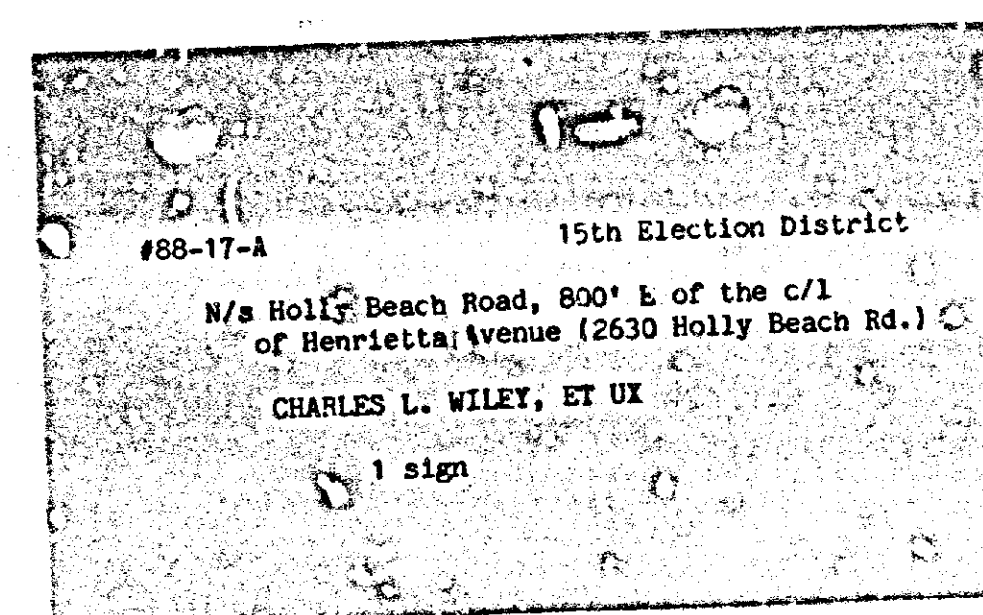
DATE OF HEARING: October 21, 1987 TIME OF HEARING: 11:00 a.m.

BOARD MEMBERS: William T. Hackett, Chairman
Patricia Phipps
Harry E. Buchmeister, Jr.

Charles L. Wiley, et ux
Case No. 88-17-A

We are here this morning in Case No. 88-17-A, Charles L. Wiley and others, and the matter before the Board concerns a petition for variance. Let the record indicate that the time is now 11:25 a.m. and that there is no one present in the hearing room. Let the record further indicate that by telephone Mr. John Wood, representing the Appellant/protestant, indicated that it was their intention to dismiss the appeal and that he would forward this request in writing.

The Board will go on record as noting that, upon receipt of this request for dismissal, the Board will dismiss the appeal. In the event that such communication is not received within five (5) days, the Board will then dismiss the appeal for lack of appearance by the appellants.



RE: PETITION FOR VARIANCE
N/S Holly Beach Rd., 800' E of C/L of Henrietta Ave. (2630 Holly Beach Rd.), 15th District.
CHARLES L. WILEY, ET UX, Petitioners
BALTIMORE COUNTY BOARD OF APPEALS
CASE NO. 88-17-A

ENTRY OF APPEARANCE

Please enter the appearance of John L. Wood as additional counsel for the Protestant, EUGENE SALVO.

JOHN L. WOOD
Niles, Barton & Wilmer
929 N. Howard Street
Baltimore, Maryland 21201
(301) 539-3240
Counsel for Eugene Salvo

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 8th day of October, 1987, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, to Manley F. Gately, Esquire, 1504 Sherbrook Road, Lutherville, Maryland 21093, Attorney for Petitioner, and to Ms. Phyllis Cole Friedman, Attorney, People's Counsel for Baltimore County, Old Courthouse, Room 223, Towson, Maryland 21204.

RECEIVED
COUNTY BOARD OF APPEALS
OCT 13 1987

JOHN L. WOOD

NILES, BARTON & WILMER

ATTORNEYS AT LAW
325 N. HOWARD STREET
BALTIMORE, MARYLAND 21201-4899
301-938-3240

October 20, 1987

Clerk
Baltimore County Board of Appeals
Old Courthouse - Room 205
Towson, Maryland 21204

RE: Petition for Zoning Variance
Charles L. Wiley, et ux, Petitioners
Eugene Salvo, Protestant
Case No. 88-17-A

Dear Mr. Clerk:

This will confirm my telephone conversation with your office of October 20, 1987 wherein I indicated that Eugene Salvo is withdrawing his protest to the Petition for Variance in the above-captioned case.

Very truly yours,
John L. Wood

JLW:cm

CC: Manley F. Gately, Esquire
Ms. Phyllis Cole Friedman, Attorney

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21201
(301) 494-3180

November 10, 1987

RECEIVED
NOV 12 1987
ZONING OFFICE

James A. Cole, Esquire
NILES, BARTON & WILMER
929 N. Howard Street
Baltimore, MD 21201

RE: Case No. 88-17-A
Charles L. Wiley, et ux

Dear Mr. Cole:

Enclosed is a copy of the Order of Dismissal passed today by the County Board of Appeals in the subject matter.

Sincerely,

Kathleen C. Weldenhammer
Administrative Secretary

Encl.

cc: John L. Wood, Esquire
Mr. & Mrs. Eugene C. Salvo
Manley F. Gately, Esquire
Mr. & Mrs. Charles L. Wiley
Norman E. Gerber
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Margaret E. de Bois

AUG 10 1988



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
September 30, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 88-17-A CHARLES L. WILEY, ET UX
N/S Holly Beach Rd., 800' E of c/l
of Henrietta Ave.
(2630 Holly Beach Rd.)
15th Election District
5th Councilmanic District
7/24/87 - Z.C. Granted variances
subject to restrictions

ASSIGNED FOR: WEDNESDAY, OCTOBER 21, 1987, at 11 a.m.

cc: Manley F. Gately, Esq. Counsel for Petitioners

Mr. and Mrs. Charles Wiley Petitioners

James A. Cole, Esq.

Phyllis C. Friedman People's Counsel

Mr. & Mrs. Eugene C. Salvo Appellants/Protestants

Norman E. Gerber Planning

Frank Fisher "

J. Robert Haines Zoning

Ann Nastarowicz "

James E. Dyer "

Margaret E. duBois "

June Holmen, Secretary

RECEIVED
OCT 1 1987
ZONING OFFICE

PETITION FOR ZONING VARIANCE

15th Election District - 5th Councilmanic District
Case No. 88-17-A

LOCATION: North Side of Holly Beach Road, 800 feet East of the Centerline of Henrietta Avenue (2630 Holly Beach Road)

DATE AND TIME: Monday, July 20, 1987, at 9:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit side setbacks of 32 feet and 3 feet in lieu of the required 50 feet in an R.C. 5 Zone and second living quarters (kitchen) for a temporary period of time

Being the property of Charles L. Wiley, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
September 30, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 88-17-A CHARLES L. WILEY, ET UX
N/S Holly Beach Rd., 800' E of c/l
of Henrietta Ave.
(2630 Holly Beach Rd.)
15th Election District
5th Councilmanic District
7/24/87 - Z.C. Granted variances
subject to restrictions

ASSIGNED FOR: WEDNESDAY, OCTOBER 21, 1987, at 11 a.m.

cc: Manley F. Gately, Esq. Counsel for Petitioners

Mr. and Mrs. Charles Wiley Petitioners

James A. Cole, Esq.

Phyllis C. Friedman People's Counsel out per S. Hess 10/1/87

Mr. & Mrs. Eugene C. Salvo Appellants/Protestants

Norman E. Gerber Planning

Frank Fisher "

J. Robert Haines Zoning

Ann Nastarowicz "

James E. Dyer "

Margaret E. duBois "

June Holmen, Secretary

Attorney-At-Law

Manley F. Gately

(204 Sherbrook Road
Lutherville, Maryland 21093
(301) 475-4292

September 28, 1987

Mr. William T. Hackett
Chairman, Board of Appeals
Room #200, Old Courts Building
Towson, Maryland 21204

RE: Petition for Zoning Variance
N/S of Holly Beach Road, 800' E of the c/l of Henrietta Avenue
(2630 Holly Beach Road)
Charles L. Wiley, et ux - Petitioners
Case No. 88-17-A

Dear Mr. Hackett:

The captioned case is an appeal, but not yet scheduled. The attached letter is self-explanatory. The Petitioners will suffer great economic hardship, and perhaps not qualify for the new loan terms, if this matter cannot be scheduled early in October.

Your earliest consideration is appreciated.

Sincerely,

Manley F. Gately

RECEIVED
COUNTY BOARD OF APPEALS
OCT 1 1987
M/M C. L. Wiley

Re: PETITION FOR VARIANCE
N/S Holly Beach Road
800' E of c/l of
Henrietta Avenue
(2630 Holly Beach Road)
15th District

* BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
CHARLES L. WILEY, et ux.,
Petitioners
Case No. 88-17-A

ENTRY OF APPEARANCE

Please enter the appearance of James A. Cole, Esquire and Niles, Barton and Wilmer on behalf of Eugene C. Salvo in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

James A. Cole
Niles, Barton and Wilmer
929 North Howard Street
Baltimore, Maryland 21201
301-539-3240

Attorneys for Eugene C. Salvo

I HEREBY CERTIFY that on this 15th day of July, 1987, a copy of the foregoing Entry of Appearance was mailed, postage prepaid to Manley F. Gately, Esquire, 1504 Sherbrook Road, Lutherville, Maryland 21093, attorney for the Petitioner; to Phyllis Cole Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204.

James A. Cole

RE: PETITION FOR VARIANCE
N/S Holly Beach Rd., 800' E of
C/L of Henrietta Ave. (2630
Holly Beach Rd.), 15th District
CHARLES L. WILEY, et ux,
Petitioners
Case No. 88-17-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of June, 1987, a copy of the foregoing Entry of Appearance was mailed to Manley F. Gately, Esquire, 1504 Sherbrook Rd., Lutherville, MD 21093, Attorney for Petitioner.

Peter Max Zimmerman

9/30/87 - Following were noted of hearing set for Wed. Oct. 1, 1987, at 11 a.m.

Mrs. & Mrs. Charles Wiley
Manley F. Gately, Esq.
James A. Cole, Esq.
Phyllis C. Friedman
Mr. & Mrs. Eugene Salvo
N. Gerber, F. Fisher
J. R. Haines, A. Nastarowicz, J. Dyer, B. duBois

10/20/87 - Received telephone call from counsel for appellant; appeal to be withdrawn; he is in process of contacting Counsel for Petitioner to advise him of withdrawal; will submit letter stating same to Board.

Petition For
Zoning Variance
15th Election District
5th Councilmanic District
Case No. 88-17-A
LOCATION: North Side of Holly
Beach Road, 800 feet East of the Centerline of Henrietta Avenue (2630 Holly Beach Road)
DATE AND TIME: Monday, July 20, 1987, at 9:45 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Zoning Variance to permit side setbacks of 32 feet and 3 feet in lieu of the required 50 feet in an R.C. 5 Zone and second living quarters (kitchen) for a temporary period of time.
Being the property of Charles L. Wiley, et ux, as shown on a plan filed with the Zoning Office.
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

The Times
Middle River, Md., July 2, 1987
This is to certify that the annexed
Petition
Reg. 11143270
was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of two successive weeks before the 2nd day of July, 1987.
Publisher.



Savings and Loan Association
1301 Merritt Boulevard • Dundalk, Maryland 21222
Telephone: (301) 255-1010

September 10, 1987

Mr. and Mrs. Charles L. Wiley
7836 Kavanaugh Road
Baltimore, Maryland 21222

Dear Mr. and Mrs. Wiley,

The commitment issued to you at 9% for construction on 2630 Holly Beach Road, will expire on 10/31/87. I will be unable to extend the commitment at the current rate due to the recent market charges. We anticipate an increase in the rate of 1% to 1 1/2% on November 1, 1987. It would be a great benefit to you if settlement could be held on or before October 31, 1987. Please let me know by October 15, 1987 if we can settle, as I will need some lead time for paper work and necessary loan request to be processed by October 31, 1987. If there are any questions please call me.

Very truly yours,

Bruce E. Gatch
First Vice President

BRG:elm



Over 75 Years of Continuous Service



IN RE: PETITION ZONING VARIANCE * BEFORE THE
N/S of Holly Beach Road, * ZONING COMMISSIONER
800' E of the centerline of * OF BALTIMORE COUNTY
Henrietta Avenue (2630 Holly *
Beach Road) - 15th Election *
District * Case No. 88-17-A
Charles L. Wiley, et ux, *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of 32 feet and 3 feet in lieu of the required 50 feet and a temporary second kitchen, as more particularly described on Petitioners' Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Eugene C. Salvo, an adjacent property owner, appeared and was also represented by Counsel. There were no other protestants.

Testimony indicated that the subject property, zoned R.C.5 and located on Holly Beach Road, consists of two 50-foot wide lots measuring 100' x 210'. The property is improved with a one-story frame dwelling which fronts on Middle River and is located 3 feet from the west property line and a one-story storage building which is on the water's edge and has been used as temporary living quarters for occasional guests. The Petitioners purchased the property approximately one year ago from their aunt, who is presently living in the dwelling, and they have agreed to permit her to live there for the remainder of her life. The existing dwelling has three rooms with a bath, and the Petitioners propose to construct a 32' x 46 1/2' one-story addition attached to the existing building by a 5' x 8' breezeway to be used as a family room, three bedrooms, a bath, and a kitchen. As a result of the proposed addition, a variance to permit a side yard setback of 32 feet to the east property line would be necessary. The Petitioners are also requesting a variance to

legalize the side yard setback of 3 feet to the west property line for the existing dwelling.

Adjacent properties have been improved, and the Petitioners wish to do the same. The dwelling to the east of the Petitioners' property has a 12-foot side yard setback, and the dwelling to the west has an addition located 23 feet from the joint side property line.

Mr. Salvo presented no testimony or evidence.

The Petitioners seek relief from Section 1A04.3.B.3, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the

requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of July, 1987, that the Petition for Zoning Variances to permit side yard setbacks of 32 feet and 3 feet in lieu of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The property may never be utilized for a two-family dwelling; the Petitioners' aunt and the Petitioners' family shall be considered as one for the purpose of this decision.
2. The Petitioners may continue to maintain the kitchen in the existing dwelling until such time as their aunt no longer lives there. The kitchen shall be removed thereafter.
3. The existing one-story storage shed shall not be used for temporary living quarters unless a non-conforming use can be established by way of a separate petition filed with the Zoning Office.
4. Compliance with the Chesapeake Bay Critical Area comments submitted by the Director of Planning, dated June 22, 1987, which are adopted in their entirety and made a part of this Order.

Zoning Commissioner of Baltimore County

cc: Manley F. Gately, Esquire
James Cole, Esquire
People's Counsel

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1524 Date of Posting: 7/17/87
Posted for: Appeal
Petitioner: Charles L. Wiley, et ux
Location of property: N/S Holly Beach Rd., 800' E of Henrietta Ave.
2630 Holly Beach Rd.
Location of Signs: 2630 Holly Beach Rd., across 2 from no turn on property of Baltimore
Remarks:
Posted by: [Signature] Date of return: 7/28/87
Number of Signs: 1

ORDER RECEIVED FOR FILING

Date: 7/24/87
By: [Signature]

ORDER RECEIVED FOR FILING

Date: 7/24/87
By: [Signature]

ORDER RECEIVED FOR FILING

Date: 7/24/87
By: [Signature]

ORDER RECEIVED FOR FILING

Date: 7/24/87
By: [Signature]

- 2 -

- 3 -

- 4 -

APPEAL

Petition for Zoning Variance
N/S Holly Beach Road, 800' E of the c/l of Henrietta Avenue
(2630 Holly Beach Road)
15th Election District - 5th Councilmanic District
Charles L. Wiley, et ux - Petitioners
Case No. 88-17-A

- ✓ Petition for Zoning Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificates of Publication
- ✓ Entry of Appearance of People's Counsel
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Director of Planning & Zoning Comments
- Petitioner's Exhibits: 1) Plat of Property
- 2) Scale Drawing of Existing House
- ✓ Appearance of James A. Cole, Esquire on behalf of Protestant
- ✓ Zoning Commissioner's Order dated July 24, 1987
- ✓ Letter of Appeal received August 10, 1987 from James A. Cole, Esquire, Attorney for the Protestant

PETITIONERS:
Mr. & Mrs. Charles L. Wiley
7836 Kavanagh Road
Dundalk, MD 21222

Manley F. Gately, Esquire, Attorney for Petitioners
1504 Sherbrook Road, Lutherville, Md. 21221

James A. Cole, Esquire
Niles, Barton & Wilmer
929 N. Howard Street, Baltimore, Md. 21201

Phyllis Cole Friedman, Esquire,
People's Counsel for Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204

APPELLANTS/PROTESTANTS:
Mr. & Mrs. Eugene C. Salvo
2634 Holly Beach Road
Essex, MD 21221

John L. Wood, Esq.
NILES, BARTON & WILMER
929 N. Howard Street
Baltimore, MD 21201-4899

(Add'l counsel for Protestants)

Request Notification: Norman E. Gerber, Director of Planning
James Howell, Office of Planning & Zoning
Arnold Jablon, Zoning Commissioner
Jean M. H. Jung, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. duBois, Docket Clerk

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
June 19, 1987

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Manley F. Gately, Esquire
1504 Sherbrook Road
Lutherville, Maryland 21093

RE: Item No. 430 - Case No. 88-17-A
Petitioner: Charles L. Wiley, et ux
Petition for Zoning Variance

Dear Mr. Gately:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer

Chairman
Zoning Plans Advisory Committee

JED:bjjs

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
404-8339
J. Robert Haines
Zoning Commissioner

August 13, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
N/S of Holly Beach Road, 800' E of the c/l of Henrietta Avenue
(2630 Holly Beach Road)
Charles L. Wiley, et ux - Petitioners
Case No. 88-17-A

Dear Board:

Please be advised that on August 10, 1987 an appeal of the decision rendered in the above-referenced case was filed by James A. Cole, Esquire, attorney for the Protestant.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
Zoning Commissioner

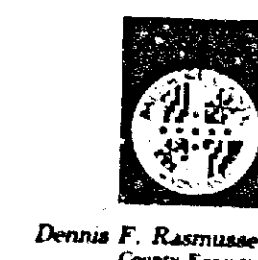
JRH:bjjs

cc: Manley F. Gately, Esquire
1504 Sherbrook Road, Lutherville, Md. 21203

James A. Cole, Esquire
Niles, Barton & Wilmer
929 N. Howard Street, Baltimore, Md. 21201

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223, Towson, Maryland 21204

File



Dennis F. Rasmussen
County Executive

NILES, BARTON & WILMER
ATTORNEYS AT LAW
929 N. HOWARD STREET
BALTIMORE, MARYLAND 21201-4899
301-538-3243

WASHINGTON, D.C. 20006
1600 K STREET, N.W.
20275-0018

CABLE ADDRESS: NWMO
TELETYPE: NWMO-AP
TELEPHONE: 855-7088

August 6, 1987

RECEIVED
AUG 10 1987
ZONING OFFICE

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Please accept this letter as formal notice of appeal from the decision of the Zoning Commissioner of the following:

In Re: Petition Zoning Variance
N/S of Holly Beach Road,
800' East of the centerline of
Henrietta Avenue (2630 Holly Beach
Avenue) - 15th Election District

Charles L. Wiley, et ux,
Case No. 88-17-A.

The Appellants are Mr. and Mrs. Eugene C. Salvo of 2634 Holly Beach Road, Essex, Maryland 21221. Your records will show that they are represented by counsel in this matter.

Enclosed you will find check in the amount of \$90.00, payable to Baltimore County, to cover the cost of fees and posting for this appeal.

Very truly yours,

James A. Cole

JAC/Lmf
Enclosure

cc: Mr. and Mrs. Eugene C. Salvo
Manley F. Gately, Esquire

AUG 10 1987

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 430, Zoning Advisory Committee Meeting of 4-28-87
Property Owner: Charles L. Wiley, et ux
Location: N/S Holly Beach Rd. District 15
Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

Zoning Item # 430, Zoning Advisory Committee Meeting of 4-28-87
Page 2

- () Prior to razing of existing structure/s, pet owner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been must be) conducted. The results are valid until the results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others: Abandoned dry well must be properly backfilled & sealed

No building permit will be issued for the addition until all requirements of the B.C. Dept. of Health are met.

[Signature]
Ian J. Forrester, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: June 22, 1987
FROM: Norman E. Gerber, AICP, Director
Chesapeake Bay Critical Area Findings - C.L. Wiley, et ux
SUBJECT: 88-17-A, 88-17-B, 88-17-C

In accordance with Section 8-1813 of the Chesapeake Bay Critical Area Act and the July 8, 1985 Opinion from the County Attorney, it is hereby my "findings" that the proposed development will comply with the terms of Section 8-1813(a) for minimizing adverse impacts on water quality and protecting identified habitats, provided that the zoning petition is conditioned on compliance with the following requirements:

1. Three (3) major deciduous trees, or six (6) conifers, or six (6) minor deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 3,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous or conifer 500 square feet. Any existing trees that are to remain can be credited toward meeting these requirements.
2. Storm water runoff from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

[Signature]
Norman E. Gerber, AICP
Director

NEO:PJS:pat
cc: Tim Dugan
David Fields
Jim Howell
Tom Vassar
People's Counsel

RECEIVED
JUN 25 1987
ZONING OFFICE

ORDER RECEIVED FOR FILING
Date: 6/24/87
By: [Signature]

CPS-008

Manley F. Gately

Attorney-At-Law
1504 Sherbrook Road
Lutherville, Maryland 21043
(301) 423-9252

April 14, 1987

Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Petition for Zoning Variance
N/S Holly Beach Road
800' East of the C/L of Henrietta Avenue
(2630 Holly Beach Road)
15th Election District
Charles L. Wiley, et ux

Please schedule the captioned Petition for hearing and enter my appearance on behalf of the Petitioners.

Sincerely,
[Signature]

tg

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner
August 13, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
N/S of Holly Beach Road, 800' E of the C/L of Henrietta Avenue
(2630 Holly Beach Road)
Charles L. Wiley, et ux - Petitioners
Case No. 88-17-A

Dear Board:

Please be advised that on August 13, 1987 an appeal of the decision rendered in the above-referenced case was filed by James A. Cole, Esquire, Attorney for the Protestants.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
[Signature]
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: Manley F. Gately, Esquire
1504 Sherbrook Road, Lutherville, Md. 21093

James A. Cole, Esquire
Niles, Barton & Wilmer
929 N. Howard Street, Baltimore, Md. 21201

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223, Towson, Maryland 21204

File

NILES, BARTON & WILMER

ATTORNEYS AT LAW
929 N. HOWARD STREET
BALTIMORE, MARYLAND 21201-4899

ANNAPOLIS, MD. 21404
83 HAN STREET - P.O. BOX 589
301-268-3080
FROM BALTIMORE 268-1810

WASHINGTON, D.C. 20006
1400 H STREET, N.W.
202-737-0512

CABLE ADDRESS: NWLM
TELETYPE: NWLM
TELEPHONE: 685-7096

August 6, 1987

RECEIVED
AUG 10 1987
ZONING OFFICE

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Please accept this letter as formal notice of appeal from the decision of the Zoning Commissioner of the following:

In Re: Petition Zoning Variance
N/S of Holly Beach Road,
800' East of the centerline of
Henrietta Avenue (2630 Holly Beach
Avenue) - 15th Election District

Charles L. Wiley, et ux,
Case No. 88-17-A.

The Appellants are Mr. and Mrs. Eugene C. Salvo of 2634 Holly Beach Road, Essex, Maryland 21221. Your records will show that they are represented by counsel in this matter.

Enclosed you will find check in the amount of \$90.00, payable to Baltimore County, to cover the cost of fees and posting for this appeal.

Very truly yours,
[Signature]
James A. Cole

JAC/tmf
Enclosure

cc: Mr. and Mrs. Eugene C. Salvo
Manley F. Gately, Esquire

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: June 24, 1987
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
Zoning Petition Nos.: 88-5-SpH; 88-6-SpH;
SUBJECT: 88-2-B, 88-11-B, 88-17-A, 88-30-A

Please consider the Chesapeake Bay Critical Area Findings (see memoranda from Gerber to Jablon dated June 22, 1987) to represent the position of this office.

NEO/JGH/sf
cc: Shirley Hess, People's Counsel
J. G. Howell

BALTIMORE COUNTY, MARYLAND
OFFICE OF FIN. & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 33084

DATE: 8/13/87 ACCOUNT: 801-15-000

AMOUNT: \$90.00

RECEIVED James A. Cole Esquire, Niles, Barton & Wilmer
929 N. Howard Street, Baltimore, Md. 21201

FOR: Appeal Filing & Posting Fees in Case No. 88-17-A
Charles L. Wiley, et ux
88-2-B, 88-11-B, 88-17-A, 88-30-A

VALIDATION ON SIGNATURE OF CASHIER

RECEIVED
JUN 26 1987
ZONING OFFICE

CPS-008

Baltimore County
Fire Department
Towson, Maryland 21204 2586
494-4500

Paul H. Reincke
Chief

April 28, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Charles L. Wiley, et ux (Critical Area)

Location: N/S Holly Beach Road, 800' E. centerline of Henrietta Avenue

Item No.: 430

Zoning Agenda: Meeting of 4/28/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Special Inspection Division Fire Prevention Bureau

/s/

AUG 19 1987

Manley F. Gately, Esquire
1504 Sherbrook Road
Lutherville, Maryland 21093

June 8, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
N/S Holly Beach Rd., 800' E of the c/l of
Henrietta Ave. (2630 Holly Beach Rd.)
15th Election District - 5th Councilmanic District
Charles L. Wiley, et ux - Petitioners
Case No. 88-17-A

TIME: 9:45 a.m.

DATE: Monday, July 20, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

AJ:med

cc: Mr. Charles L. Wiley
Mrs. Sophia F. Wiley
7836 Kavanagh Road
Dundalk, Maryland 21222

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 32563

DATE: 7/11/87 ACCOUNT: 01-415-000

AMOUNT: \$ 35.00

RECEIVED FROM: MANLEY GATELY

FOR: I 430 VARIANCE

8 8041*****3500-a 3150P

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JARON
ZONING COMMISSIONER

July 15, 1987

Manley F. Gately, Esquire
1504 Sherbrook Road
Lutherville, Maryland 21093

RE: PETITION FOR ZONING VARIANCE
N/S Holly Beach Rd., 800' E of the c/l of
Henrietta Ave. (2630 Holly Beach Rd.)
15th Election District - 5th Councilmanic District
Charles L. Wiley, et ux - Petitioners
Case No. 88-17-A

Dear Mr. Gately:

This is to advise you that \$73.65 is due for advertising
and posting of the above property. This fee must be paid before an
Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON
THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by
this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit
to Zoning Office, Room 113, County Office Building, Towson, Maryland
21204, before the hearing.

Sincerely,

[Signature]
Arnold Jaron
Zoning Commissioner

AJ:med

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 35974

DATE: 7-20-87 ACCOUNT: R-10-415-000

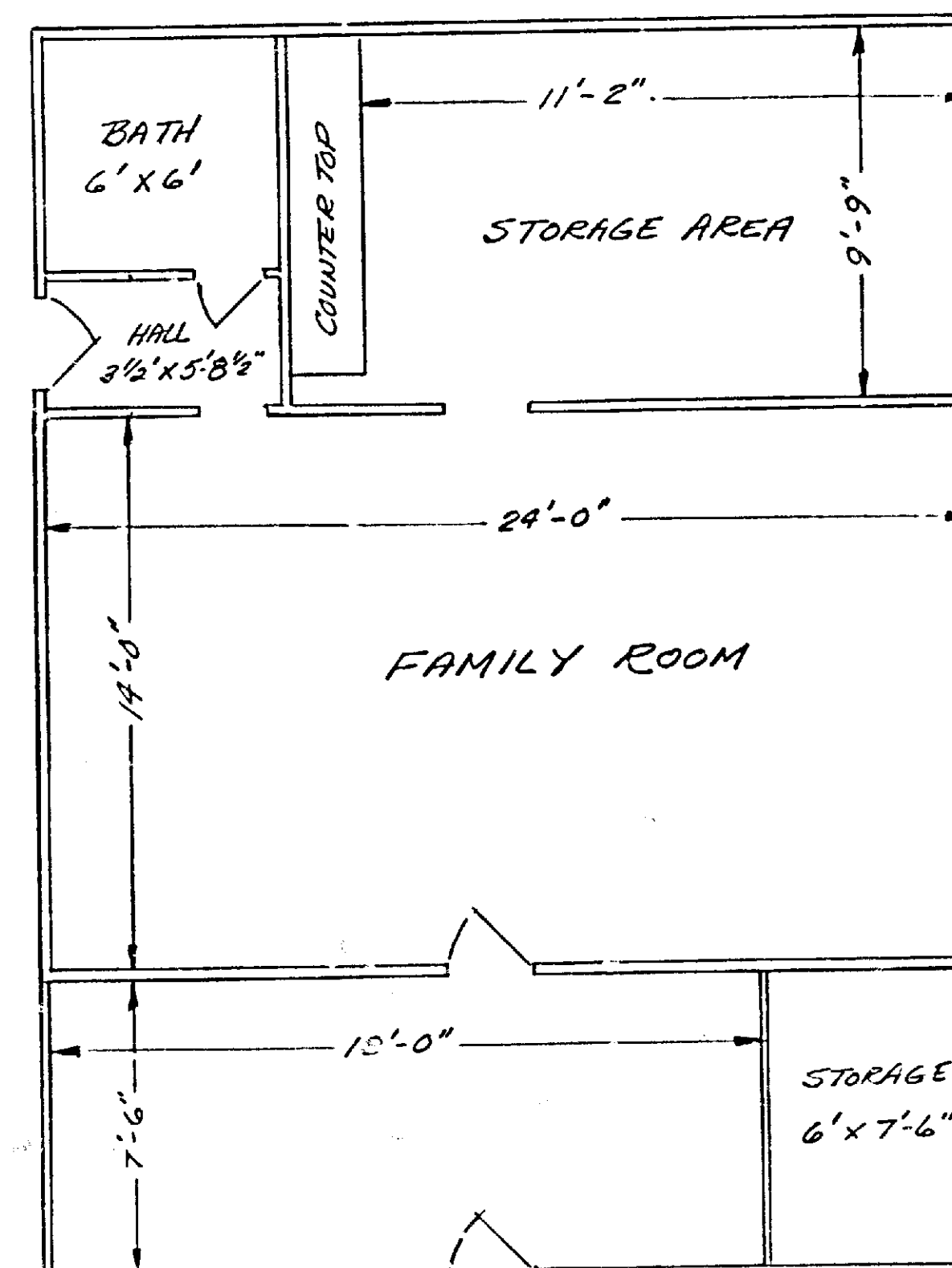
AMOUNT: \$ 73.65

RECEIVED FROM: Charles L. Wiley, et ux

FOR: Advertising and Posting Case 88-17-A

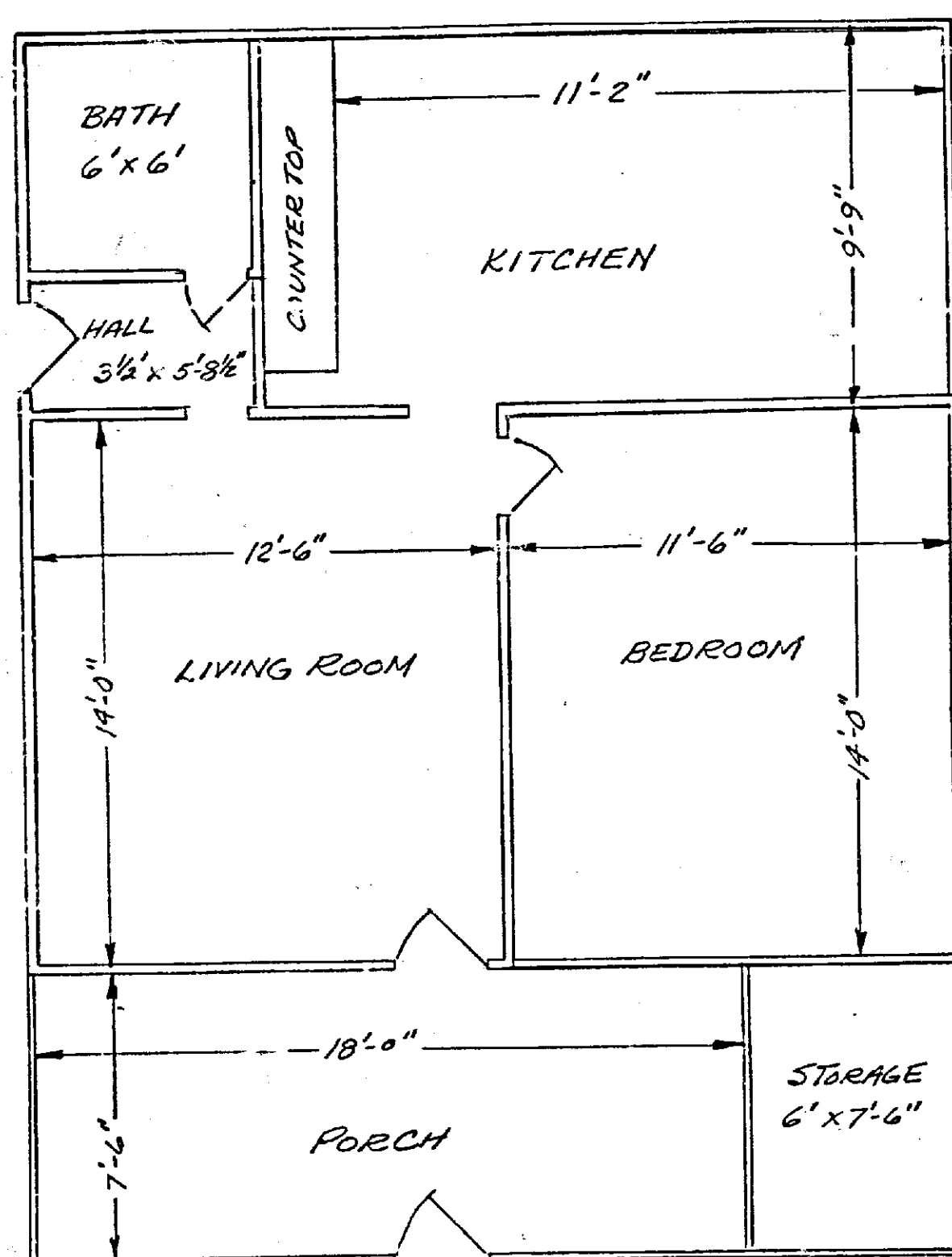
8 8015*****7315-a 3100P

VALIDATION OR SIGNATURE OF CASHIER



PROPOSED MODIFICATION

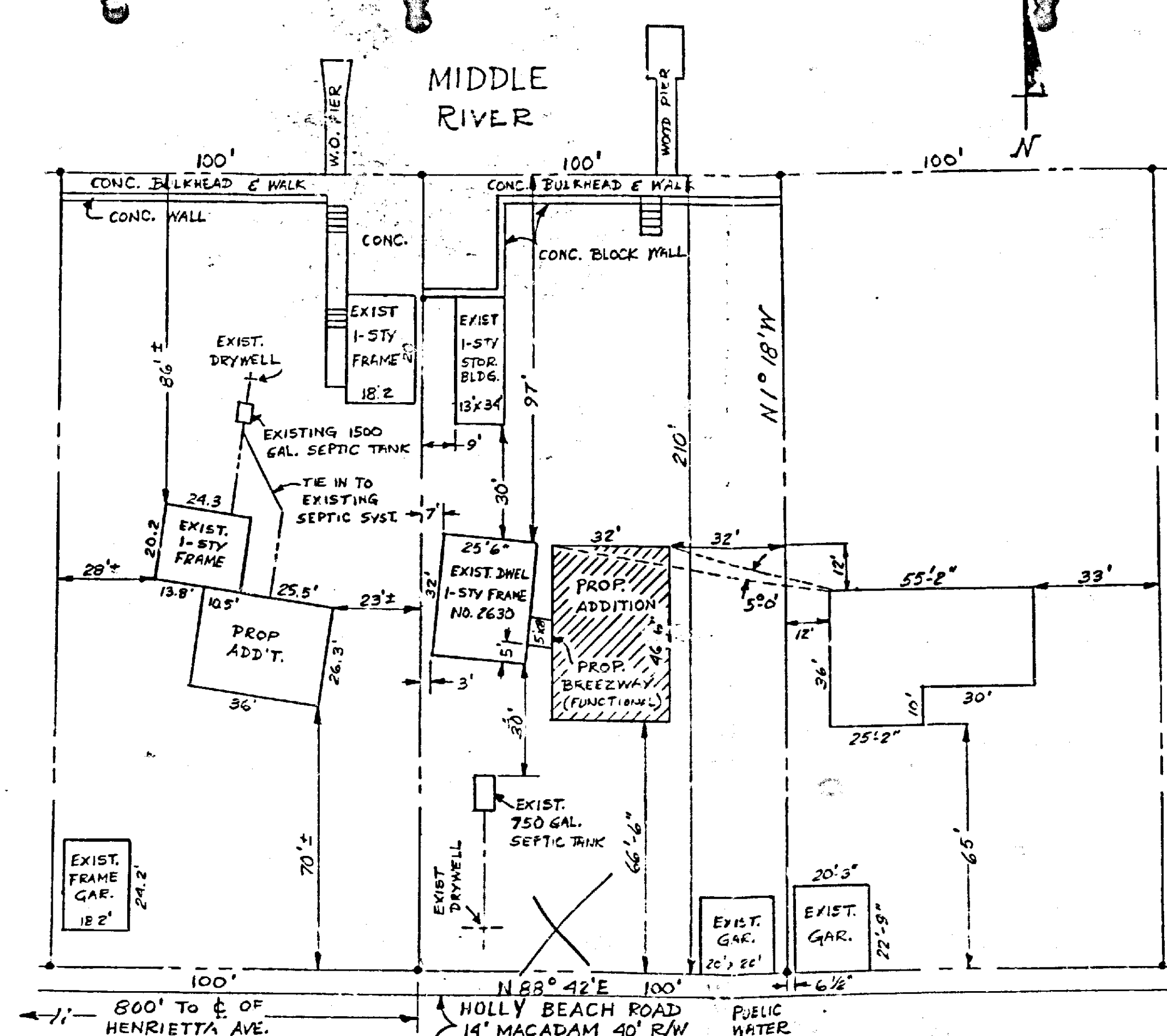
SCALE: 1/4" = 1'



EXISTING HOUSE

SCALE: 1/4" = 1'

PETITIONER'S
EXHIBIT 2



PLAT FOR ZONING VARIANCE
Owner: Charles L. & Sophia F. Wiley
District 15 Zoned R.C.3
Subdivision - Holly Beach
Lots 27 and 28, Book W, P.C. No. 4, Folio 182
Public Water
Scale: 1" = 30'

0.50± acres

EXHIBIT 1

OFFICE COPY

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 2, 1987

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
July 2, 1987.

THE JEFFERSONIAN,

Publisher

PETITION FOR
ZONING VARIANCE
15th Election District
5th Councilmanic District
Case No. 88-17-A
LOCATION: North Side of Holly
Beach Road, 800' East of the
Centerline of Henrietta Avenue
15th Election District
DATE AND TIME: Monday, July 20,
1987 at 9:45 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland
The Zoning Commissioner of Bal-
timore County, by authority of the
Zoning Act and Regulations of Bal-
timore County, will hold a public
hearing.
Petition for Zoning Variance to
repeal and amend articles of 25 and 3
in the Code of the City of Baltimore
(Chapter 25-101 and 25-102) for a temporary
period of time.
Being the property of Charles L.
Wiley, et ux, as shown on plat filed
with the County Office.
In the event that the Petitioner(s) is
found to be in violation of the Code
within the City of Baltimore, the
petitioner(s) shall be liable for the
costs of the hearing, including any
fees for the City of Baltimore, and
shall be liable for the cost of the
hearing, including any fees for the
City of Baltimore, and shall be liable
for the cost of the hearing, including
any fees for the City of Baltimore.
By Order of
ARNOLD JARON
Zoning Commissioner
of Baltimore County
7012 July 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 7/3/87
Posted for: Variance
Petitioner: Charles L. Wiley, et ux
Location of property: N/S Holly Beach Rd., 800' E of Henrietta Ave.
Location of Sign: Holly Beach Rd., 800' E of Henrietta Ave.
Remarks: Variance for Zoning Variance Case 88-17-A
Posted by: [Signature] Date of return: 7/6/87
Number of Signs: 2

AUG 10 1987